

REMARKS

This application has been carefully reviewed in light of the Examiner's letter dated June 30, 2004.

A review of the specification indicated that there were two number designations which were inadvertently misstated on pages 10 and 11, and those have been corrected.

Claims 2, 3, 5, 9 and 12 have been cancelled without prejudice, the substance of those claims having been embodied in remaining claims and new Claims 13 and 14.

The Examiner's rejection of Claims 1 through 12 under 35 U.S.C. 112 have all been obviated by amendments to the remaining claims and the total elimination of others.

The Examiner has rejected Claims 1 through 3 and 5 through 12 as anticipated by Laseke patent 5,087,039. Claims 1, 4, 6 through 8, 10 and 11, and new Claims 13 and 14, remain in this application.

Laseke, referring to Figure 4, purports to be a swing training device of sorts. In contradistinction to Applicant's device, it is made of rigid piping, having foam covering over certain joints, but clearly restricting, in a relatively harsh manner, a batter's swing. More specifically, if the batter's swing plane is off, the bat will clang against the piping used, where, in Applicant's device, the upstanding standards are of foam. This is for the specific purpose of providing the batter with a sensual

stimulation, i.e., a touch, which it will feel without restricting the swing in any sense. Thus, if the batter starts out with the bat in an incorrect initial position, the batter will feel the rear most standard, but it will not restrict his swing, nor will it cause him to bang against the standard, which could be a source of potential injury to himself or the bat.

The same concept is true with respect to the intermediate standard and the forward standard. It should be evident from Figure 4 of Laseke that the batter takes a healthy cut at the ball on the tee, and it is clear from the posture of the batter in Figure 4 of Laseke that he is taking a healthy cut, an improper swing will cause him to bang against one or more of the pipes, which would potentially result in injury to the bat, or batter, or both.

Claim 3 is now embodied in Claim 1 and Claims 4, 6, 8 and 10, based on Claim 1, and Claims 7 and 11, based on Claim 6, are believed allowable for the reasons stated.

Revised Claim 1 makes it quite clear that there are three upstanding standards which will provide a sensory response to a batter respecting the position of his bat as he cycles through the swing. This is an impossible task in the Laseke device.

New Claims 13 and 14 are even more detailed and emphasis is laid on the fact that a sensory response, i.e., a touch, is provided by the Andrews' device without restricting the swing in any way. Claim 14 adds a standard 49 which assists

in establishing the horizontal plane appropriate for the player's bat to strike the ball. The batter learns because he, or she, will feel the standards and adjust the swing accordingly. A wrong swing, however, will not result in injury to the bat, the batter or the device.

For the many cogent reasons stated, it is believed that the remaining claims are in condition for allowance, and such allowance is respectfully requested.

Dated: September 3, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. B. Haase', with a stylized flourish at the end.

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